

DATE: May 13, 1999

CASE NO.: 1998-SCA-0004

In the Matter of:

VA TRANSPORT, INC., a Corporation; and,  
DENNIS LENNARTZ, an Individual,  
Respondents

APPEARANCES:

Karen L. Mansfield, Esq.  
For the Administrator,  
Wage and Hour Division,  
U.S. Department of Labor

Dennis Lennartz, Pro Se  
For the Respondents

Before: DANIEL SARNO  
District Chief Judge

DECISION AND ORDER APPROVING CONSENT FINDINGS

This case arises under the Service Contract Act of 1965, as amended (the Act), 41 U.S.C. § 351, *et seq.*, and the regulations at 29 C.F.R. Parts 4 and 6.

Prior to a hearing being held in this case, the parties entered into settlement negotiations and have now reached a settlement which will dispose of all outstanding issues and negate the necessity of a formal hearing. The parties have presented for approval a written agreement entitled *Consent Findings*. The agreement has been signed by all parties and has been submitted for consideration and final order without presentation of the evidence. I have reviewed the agreement, which is incorporated herein by reference and made a part hereof, and in so doing approve the settlement agreement.

The settlement is intended by the Administrator, Wage and Hour Division, U.S. Department of Labor ("Plaintiff") and the Respondents to be a complete and final resolution of this matter. In entering into the agreement, the parties agree to dispose of all issues raised during the investigation which is the subject of these proceedings. The Respondents agree that as a result of the violations set forth in paragraphs IV and V of the *Consent Findings*, a total of \$51,282.61 in back wages and fringe benefits is due and owing and shall be paid to the persons and in the amounts contained on Exhibit B, attached to the *Consent Findings*. Payment of the delinquency is to be made as provided in paragraph VI of the *Consent Findings*. The amount to be paid consists of \$38,831.72 withheld by the Veterans' Administration from contracts held by the Respondents, and \$12,450.89 in funds withheld by the Veterans' Administration from Contract No. V678P-3814(Arizona), which was held by Advanced Rehab Systems, Inc., and David M. Lennartz. David M. Lennartz has executed a release for \$12,450.89 in withheld funds under Contract No. V678P-3814. A copy of the release is attached hereto, identified as Exhibit A, and made part hereof. These funds are to be released to the Wage and Hour Division, U.S. Department of Labor, to complete the total payment of \$51,282.61 in fulfillment of all back wage obligations of VA Transport, Inc., and Dennis Lennartz under Contracts Nos. V592P-1464 (Iowa) and V581P-2247 (West Virginia).

The parties agree that the names of the Respondents shall be placed on the Comptroller General's ineligible list and no contract of the United States shall be awarded to either the corporate or individual respondents until the expiration of three years from the date of publication of the list containing the names of the said Respondents.

The parties further agree that any order entered as a result of the settlement agreement shall have the same force and effect as an order made after full hearing, that the entire record on which any Order may be based shall consist solely of the respective complaints in the separate matters consolidated herein and these consent findings. The parties waive all further procedural steps before the Administrative Law Judge and the Administrative Review Board and any right to challenge or contest the validity of any order entered in accordance with the *Consent Findings* is hereby waived. Finally, the Plaintiff and the Respondents agree that each party shall bear its own costs and expenses incurred in any stage of these proceedings.

In accordance with the agreement of the parties, it is hereby,  
**ORDERED** that the *Consent Findings* are approved and this case is **DISMISSED WITH PREJUDICE**.

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DANIEL SARNO  
District Chief Judge

DAS/RLH

